

**REMARKS**

Claims 1 and 3-11 remain in the application with claims 7-11 being allowed.

The Examiner holds Ea of Okawara '308 to be the recited chiller-condenser and Eb the chiller-evaporator, and valve 5b as the recited by-pass valve. However, the recited by-pass valve (26) establishes two separate flow paths; to wit, flow directly between the chiller-condenser (16) and the chiller-evaporator (18), as valve 5b arguably does, but in addition, a separate and alternate flow through the expansion device (24). The valve 5b in Okawara '308 does not establish a separate and parallel flow between the same two components.

The reconstruction of the art, a highly developed art where small changes are significant, in pursuit of Applicant's invention is not well founded.

Applicant believes that no fees are due with this Amendment, however, if any become required, the Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account 08-2789.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

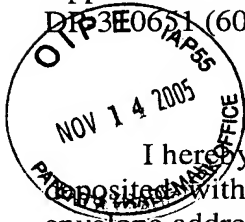


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Date

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CERTIFICATE OF EXPRESS MAIL

I hereby certify that this Amendment for U.S. Application No. 10/754,037 is being deposited with the U.S. Postal Service via First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **November 10, 2005** by:

A handwritten signature in cursive script, reading "Susan K. Olson".

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Susan K. Olson